

**Annual Town Meeting
WARRANT ARTICLES 9, 10 & 11**

(The "Industrial Articles")

**Annotated with explanations
of every individual amendment**

Fully revised from previous version

***Of 2-4-16 to reflect further changes
to the proposed articles.***

2-16-16

Article 9

Zoning Bylaw Amendment Package Involving Use, Dimensional, Density, Bulk and Other Provisions in Industrial and Certain Business Districts

To determine if the Town will vote to amend the Bedford Zoning Bylaws to revise the current language to incorporate an array of changes to the zoning associated with industrially-related provisions involving land use classifications, permitted uses, dimensional, density, bulk and related requirements, by amending parts of sections 2, 4, 5, 6, 7, and 15, as well as Tables I and II therein, or pass any vote or take any action relative thereto:

➤ *Amend SECTIONS TWO, THREE, FOUR, SIX, AND FIFTEEN & TABLES I and II of the Zoning Bylaw to eliminate the terms “Industrial Park” or “Industrial Park A” and substituting the term “Industrial A” wherever they occur. **The term Industrial “Park” is unnecessary and serves no purpose; it should be Industrial A (plus IND B and C) throughout the bylaw.***

➤ *Amend Section 3, USE REGULATIONS, in sub-section 3.2.2, by adding the following definition to that paragraph, to read as follows:*

Current text to remain with new text in bold in 2nd sentence:

3.2.2 Permitted with Town Meeting approval

The letters "SP" followed by the numeral one, SP¹, denotes that the use is permitted only upon Town Meeting approval and if the Board subsequently grants a Special Permit as provided herein and makes such specific findings as may be required by this Bylaw in respect of such use. **The letters “SPM” denote that the use is permitted only by means of an Industrial Mixed Use special permit from the Planning Board, under Section 15 of the Zoning Bylaw, Industrial Mixed Use. The bylaw lacks and should have a more specific regulatory process category for the 2014 Industrial Mixed Use Bylaw; the IMU special permit now plays a major economic development role in the industrial districts.**

➤ *Amend Section 4, CLASSIFICATION OF PRINCIPAL USES, in the sub-sections below:*

➤ *In sub-section 4.2 Residential Uses, amend current text with new hotel definition:*

Current:

~~4.2.6—Hotel or Motel~~

~~Lodging for more than four roomers, boarders or tourists, provided that such lodging facilities shall not be within 1,300 feet of a similar business and open space shall be provided on the lot in addition to any area required for parking and associated driveways, equal to twice the gross floor area of the hotel or motel and in the Industrial Park District provided that the parcel contains at least 10 acres and the hotel or motel has at least 100 guest rooms. If the above hotel or motel has independent living units with cooking facilities, such units shall not be occupied by any guest for more than four(4) continuous months, nor may the guest reoccupy any unit within 30 days of a four month continuous stay, nor may the guest stay more than six months in any calendar year.~~

Proposed:

4.2.6 Hotel

A commercial establishment offering lodging for travelers and other transient guests, that may include uses accessory to the principal use, such as, but not limited to, meals, entertainment, retail stores, recreation facilities or other amenities, and subject to the following restrictions:

4.2.6.1 In a hotel in any district in which such use is allowed, individual rooms, or lodging units that contain permanent cooking facilities or other features and amenities for long term occupancy, shall not be occupied by guests as their sole residence. Guests may not occupy rooms or lodging units for more than four (4) continuous months, nor may guests stay in the hotel more than six months in any calendar year, except as provided below in section 4.2.6.2.

4.2.6.2 Hotels in the Industrial districts are permitted only under an Industrial Mixed Use special permit from the Planning Board. Upon the granting of a special permit for an Industrial Mixed Use in the Industrial A, Industrial B, or Industrial C districts, a hotel located therein may contain lodging units that are suites with permanent cooking facilities for temporary or intermittent stay required for guests who are there as transient occupants engaged in business activity, or if for other purpose, subject to the limitations of 4.2.6.1 above. The bylaw needs a clearer and more specific definition for Hotel, one which is directed toward the needs of industrial districts, while at the same time reinforcing the 2014 Industrial Mixed Use bylaw, which creates the scenario under which a hotel may be developed. Eliminates the Motel classification as being obsolete.

> Amend 4.5 Business Uses, in the sub-section, 4.3, by inserting a new sub-section 3.9, Specialized Institutional uses:

Current text to remain:

4.3 Institutional Uses

4.3.1 Educational

Use of land, buildings and structures for providing learning in a general range of subjects on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a recognized religious sect or denomination or by a non-profit educational entity which may include athletic facilities, dormitories, administrative offices and similar facilities and activities whose purpose is substantially related to furthering learning.

4.3.2 Religious

Use of land, buildings and structures for public worship carried on by a recognized religious sect or denomination which may include religious instruction, maintenance of a convent, parish house and similar facilities and activities whose purpose is substantially related to furthering the beliefs of such sect or denomination.

4.3.2 Philanthropic

Charitable or nonprofit library, museum, art gallery or other similar use.

4.3.4 Nursing Home

Sanitarium or nursing, rest or convalescent home.

4.3.5 Nursing Care Facility

Nursing care, congregate living, independent living, day care for elderly persons and facilities for medical or rehabilitation programs all in accordance with the provisions of Section 10.

4.3.6 Lodge and Club

Private lodge or club operated for members or employees.

4.3.7 Cemetery

4.3.8 Child Care Facility

Use of land, buildings or structures for a facility or program providing day care to children as defined in MGL Ch. 40A, Section 3.

Proposed additional text:

4.3.9 Specialized Institutional uses

Special institutional uses include the following: professional education and training center, for profit; and research or applied research foundation, not for profit; cultural institution for research, curating and/or public viewing. This is one of several land use classifications (definitions) designed to modernize the allowed uses.

➤ *In sub-section 4.5.7 Restaurant, amend current text and replace with a new restaurant definition:*

Current text:

4.5.7 Restaurant

Restaurant where the principal service is the sale of food or beverage to be consumed by persons at tables within the building and the incidental sale of food to “take out” and in the Industrial Park District, provided that the parcel contains at least 10 acres and the restaurant has at least a 150-seat capacity.

Proposed text:

4.5.7 Restaurant

Restaurant where the principal service is the sale of food or beverage to be consumed by persons at tables indoors and/or in permitted outdoor seating areas, and the incidental sale of food to “take out” (as defined in 4.5.18 Take Out Retail), provided that the parcel contains a minimum of two (2) acres in land area, or is situated within a retail shopping center, industrial mixed use building or industrial mixed use campus on a parcel containing at least two acres. In the Industrial A, Industrial B, or Industrial C districts, restaurants are permitted only under an Industrial Mixed

Use special permit from the Planning Board. . The present Restaurant definition is out of date and unrealistic in terms of the development parameters of the restaurant industry.

➤ *Further amend Section 4.5 Business Uses by eliminating the heading of sub-section 4.5.10 “Research Facility” and the text to follow, and reserving sub-section 4.5.10 for a future use.*

Current text:

4.5.10 Research Facility

~~Scientific and medical research facilities, educational facilities for profit and support services for the foregoing, such as office and laboratory, provided that in Limited Business District such facilities shall not exceed 4,000 square feet of gross floor area, exclusive of stairwells.~~ **The present classification is both obsolete and in the wrong section, i.e. Business Uses, and is proposed to be replaced by a more up to date definition in 4.6.4 further on.**

Proposed text:

4.5.10 [Reserved for future use.]

➤ *Further amend Section 4.5 Business Uses in sub-section 4.5.16 “Mixed Business and Residential” in the first sentence, and in sub-section (g), with the rest of the text to remain as is:*

Current text:

~~The use of an existing or a new structure for mixed business and residential uses, provided the following conditions are met:~~

Proposed text:

The use of an existing or a new structure for mixed business and residential uses in designated Mixed Use Overlay Districts (MUOD) by special permit from the Planning Board, and in Limited Business districts as a fully permitted use, provided the following conditions are met. Clarifies the remaining regulatory scenarios under which a Residential mixed use project may be proposed.

➤ *Further amend Section 4.5 Business Uses in sub-section 4.5.16 “Mixed Business and Residential” by striking a portion of sub-paragraph (g) therein which presently reads as follows:*

Current text:

~~The design of each unit shall conform to all applicable building, health and other codes, and the gross floor area shall not exceed 750 square feet... Mixed uses shall comply with the site plan review requirements of Section 7.5.~~ **This amendment removes the unnecessary reference to “building, health and other codes,” which always apply under any circumstances, and removes the 750 sq. ft. limitation on floor area, which has never been applied and should have been removed long ago; 750 SF is little more than a studio-sized unit or accessory apartment. The intent of the bylaw in regard to residential mixed use projects is not to have all units of this type or size.**

Proposed Text:

Mixed uses shall comply with the site plan review requirements of Section 7.5. **This is the remaining sentence of the current text, after the previous sentences are eliminated.**

➤ *Further amend Section 4.5 Business Uses by striking in its entirety sub-section 4.5.17 “Industrial Mixed Use”, which presently reads as follows but is no longer applicable in this sub-section:*

Current text:

~~Business and residential uses in accordance with the provisions of Section 15.~~

➤ *Amend Section 4.6 Industrial Uses by eliminating the title and text following that sub-section:*

4.6.4 Heavy Vehicular Dealership and Repair Garage

~~Salesroom and related dealership facilities for trucks, buses or similar heavy motor vehicles (gross vehicle weight in excess of 10,000 pounds and wheel base in excess of 135 inches) and establishments for the storage or repair of trucks, construction equipment or similar heavy motor vehicles and equipment, provided that the making of all but minor repairs shall be conducted wholly within a building sufficiently sound insulated to confine disturbing noise to the premises.~~

[NOTE: This classification is eliminated due to being allowed only in the Commercial district, where the prevailing land uses and the character of the area are changing; existing businesses in the district falling under this classification will be protected for current usage by being entitled to full grandfathering rights for as long as they operate.]

➤ *Further amend Section 4.6 Industrial Uses by inserting the following new text sub-section 4.6., in place of 4.6.4 “Heavy Vehicular Dealership and Repair Garage “:*

Proposed text:

4.6.4 Information Technology, Life and Materials Science & Engineering

Information technology & data storage; Software development & services; Bio-pharmaceuticals research, development and manufacturing; Industrial biotechnology or informatics; Biological testing laboratories, excluding bio-safety level four (BL-4) as per Centers for Disease Control regulations; Earth sciences, environmental research, testing & development; Material sciences and engineering. This is a 21st century definition of the types of uses vital to the Massachusetts and Bedford economies, many of which are strongly present in town already.

➤ *Further amend Section 4.3.6, Light Manufacturing as follows:*

Current text (all to remain):

4.6.3 Light Manufacturing

Research or testing laboratory, printing or publishing plant, bottling works, manufacturing establishment or other assembling, packaging, finishing or processing use, provided that all operations shall be such as

to confine disturbing smoke, fumes, dust, odors and noise to the premises, and that no operations shall constitute a hazard by reason of the potential for fire, explosion, radiation release or other casualty and provided further that in the Limited Business and General Business Districts only manufacturing of products primarily for sale at retail on the premises shall be conducted and that no more than five full-time workers, or their equivalent, shall be employed on the premises.

Proposed text:

4.6.3 Light Manufacturing

Research or testing laboratory; **computer and related manufacturing or assembly; electronic parts, circuitry and products, manufacturing or assembly; medical device, research or assembly;** printing or publishing plant; bottling works, manufacturing establishment or other assembling, packaging, finishing or processing use, provided that all operations shall be such as to confine disturbing smoke, fumes, dust, odors and noise to the premises, and that no operations shall constitute a hazard by reason of the potential for fire, explosion, radiation release or other casualty and provided further that in the Limited Business and General Business Districts only manufacturing of products primarily for sale at retail on the premises shall be conducted and that no more than five full-time workers, or their equivalent, shall be employed on the premises. **Update to a very old definition.**

➤ *Further amend Section 4.6 Industrial Uses by inserting the following new sub-section 4.6.5 :*

4.6.5 Health Care

Health care shall consist of medical clinics, offices & diagnostic services directly administered for the benefit of patients. Completely new definition added to this section, reflecting a major economic activity.

➤ *Further amend Section 4.6 Industrial Uses by inserting the following new sub-section 4.6.6 :*

4.6.6 Industrial Mixed Use

Industrial, office and business uses, as allowed by special permit from the Planning Board in Section 15, Industrial Mixed Use. Industrial mixed use is confined to these uses, without a residential option, since passage of the 2014 IMU bylaw.

➤ *Amend Section 4, Table I as follows:*

Amend Table I in the PRINCIPAL USES row at the top of the table, under the INDUSTRIAL DISTRICTS heading, to re-arrange the column sub-headings “I and IP/IC” into three column headings in alphabetical order, reading as follows: “IA, IB, IC.”, and reorder the entire contents of these columns accordingly, for their full length in the table; Note: industrial district “I” in the current zoning is clarified in the proposed amendment to be the “IB” district. **The present columns are in the wrong order and incompletely labelled. This change breaks the 3 IND districts into three columns instead of 2, in alphabetical order, IND A, B and C.**

Amend Table 1 sub-section 4.2.6, in left column under 4.2 Residential Uses, to change “Hotel or Motel” to “Hotel”. **Eliminates the Motel classification as being obsolete.**

Amend Table 1 sub-section 4.2.6, “Hotel” under the INDUSTRIAL DISTRICTS column heading, change “No” to “SPM” under INDUSTRIAL DISTRICT heading, and change “SP1” to “SPM” under the proposed IA, IB, IC column headings, allowing Hotels by means of an Industrial Mixed Use special permit under Section 15 of the Zoning Bylaw. **Hotels are allowed in IND districts only under an IMU special permit (SPM).**

Amend Table 1 sub-section 4.2.7, “Home Occupation” under the BUSINESS DISTRICTS column heading, changing “No” to “Yes” in the Commercial district. **There are residences within the Com. district that do not now have the right to have a home occupation.**

Amend Table 1 sub-section 4.2.7, “Home Occupation” under the BUSINESS DISTRICTS column heading, by inserting a “Yes” under the LB (Limited Business) column and then shifting the entire row to the right, so that the “NR” now falling under the IP/IC column heading falls under the column heading SITE PLAN APPROVAL. **This is just a formatting/alignment correction.**

Amend Table 1 sub-section 4.5.7, “Restaurant” under the INDUSTRIAL DISTRICTS column heading, change “SP1” to “SPM” under the proposed IA, IB, IC column headings, allowing Restaurants by means of an Industrial Mixed Use special permit under Section 15 of the Zoning Bylaw. **Restaurants are allowed by IMU special permit in IND districts.**

Amend Table 1 sub-section 4.5.8, “Bank” under the INDUSTRIAL DISTRICTS column heading, changing “No” to “SPM” in the IB district, and changing “SP” to “SPM” in the IA & IC districts. **Banks are allowed by IMU special permit in IND districts.**

Amend Table I sub-section 4.5.10 by eliminating “Research Facility” under the PRINCIPAL USES column heading. **This classification is replaced by the more up to date definition in 4.6.4 Information Technology, Life and Materials Science & Engineering.**

Amend Table I under the INDUSTRIAL DISTRICTS column heading, in sub-section 4.5.16, “Mixed Business and Residential” by adding an endnote to the “No” under the proposed IA, IB, IC column headings, to read as follows: “Mixed Business with residential shall be prohibited in all Industrial districts, with the exception of Hotels allowed by special permit from the Planning Board under Section 15, Industrial Mixed Use.” **This is a clarification that the only Residential use allowed in IND districts is a Hotel, and only by IMU SP.**

Amend Table 1 sub-section 4.5.17, “Industrial Mixed Use” under the INDUSTRIAL DISTRICTS column heading, changing “SP” to “SPM” in the IB district, and changing “SP” to SPM in the IA & IC districts, under the proposed IA, IB, IC. **IMU, as defined by the 2014 bylaw, requires the IMU special permit, or SPM, in IND districts.**

Amend Table I sub-section 4.6 INDUSTRIAL USES, by inserting the following new use as sub-section 4.6.5, “Health Care,” and inserting the following allowed use status in each column, starting with the column heading RESIDENTIAL DISTRICTS, and reading left to right across the 4.6.5, Health Care row: “No” in Residence -R, Residence-A, Residence-B, Residence-C, and Residence-D; “SP” in the Limited Business (LB) and General Business (GB); “SP” in Commercial; “Yes” in Industrial A, Industrial B and

Industrial C; and R under Site Plan Approval. **Health Care is added as a new use in IND districts, as of right.**

Amend Table I sub-section 4.6.4, “Heavy Vehicular Dealership” under the INDUSTRIAL USES section, by eliminating the entire row in the table, thus removing this use from the table in all districts. **This whole use is eliminated in the Com. district.**

➤ Further amend Section 4, Table I by adding the following new endnote, as a reference for every new SPM permitting designation in Table I:

“SPM” denotes a special permit granted by the Planning Board for uses allowed by means of an Industrial Mixed Use special permit, under Section 15 of the Zoning Bylaw. The SPM regulatory category is defined in this table endnote.

Proposed

**TABLE I: USE REGULATIONS
PRINCIPAL USES**

4.1 EXTENSIVE USES

	RESIDENTIAL DISTRICTS					BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS			SITE PLAN APPROVAL
	R	A	B	C	D	LB	GB	C	<u>1A</u>	<u>1B</u>	<u>1C</u>	
4.44.1.1 Forestry	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR
4.1.2 Agriculture	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR
4.1.3 Greenhouse	SP	SP	SP	SP	SP	No	No	Yes	Yes	Yes	Yes	NR
4.1.4 Earth Removal	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NR
4.1.5 Conservation Use	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR
4.1.6 Private Recreation	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	R

4.2 RESIDENTIAL USES

4.2.1 Single Fam. Dwelling	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	NR
4.2.2.1 Two Family Dwelling (Conv)	SP	SP	SP	SP	SP	SP	No	No	No	No	No	NR
4.2.2.2 Two Family Dwelling (New)	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	NR
4.2.3 Cluster Development	SP	SP	SP	SP	SP	No	No	No	No	No	No	NR
4.2.4 Planned Res. Development	SP	SP	SP	SP	SP	No	No	No	No	No	No	NR
4.2.5 Housing for Elderly	SP	SP	SP	SP	SP	No	No	No	No	No	No	NR
4.2.6 <u>Hotel</u>	No	No	No	No	No	Yes	Yes	No	<u>SPM</u>	<u>SPM</u>	<u>SPM</u>	R
4.2.7 Home Occupation	Yes	Yes	Yes	Yes	Yes	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	NR
4.2.8 Public Sch. Bldg. Conversion	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	R
4.2.9 Accessory Apartment	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	NR
4.2.10 Adaptive Reuse	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NR
4.2.11 Multiple Dwellings	No	No	No	No	SP	No	No	No	No	No	No	NR

4.3 INSTITUTIONAL USES

4.3.1 Educational	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	R
4.3.2 Religious	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	R
4.3.3 Philanthropic	SP	SP	SP	SP	SP	SP	SP	SP	Yes	Yes	Yes	R
4.3.4 Nursing Home	SP	SP	SP	SP	SP	No	No	No	No	No	No	NR

4.3.5	Nursing Care Facility	SP1	SP1	SP1	SP1	SP1	No	No	No	No	No	No	NR
4.3.6	Lodge and Club	SP	SP	SP	SP	SP	SP	SP	SP	No	No	No	R
4.3.7	Cemetery	SP	SP	SP	SP	SP	No	No	No	No	No	No	NR
4.3.8	Child Care Facility & Religious Use	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	R

4.4 GOVERNMENTAL AND PUBLIC SERVICES

4.4.1	Municipal Use	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR
4.4.2	Aviation	No	No	No	No	SP	No	No	No	Yes	No	Yes	NR
4.4.3	Underground Utility	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR
4.4.4	Above Ground Utility	SP	SP	SP	SP	SP	SP	SP	Yes	Yes	Yes	Yes	NR
4.4.5	Wireless Comm. Utility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NR
4.4.6	Amateur Radio Towers	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NR

4.5 BUSINESS USES

4.5.1	Retail Store	No	No	No	No	SP	Yes	Yes	No	No	No	No	R
4.5.2	Supermarket & General Dept. Store	No	No	No	No	No	No	Yes	No	No	No	No	R
4.5.3	Personal Service Shop	No	No	No	No	SP	Yes	Yes	No	No	No	No	R
4.5.4	Funeral Home	No	No	No	No	No	SP	SP	No	No	No	No	R
4.5.5	Repair Shop & Bldg. Trade	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	R
4.5.6	Indoor Amusement	No	No	No	No	No	Yes	Yes	Yes	No	No	No	R
4.5.7	Restaurant	No	No	No	No	SP	SP	SP	No	<u>SPM</u>	<u>SPM</u>	<u>SPM</u>	R
4.5.8	Bank	No	No	No	No	No	Yes	Yes	No	<u>SPM</u>	<u>SPM</u>	<u>SPM</u>	R
4.5.9	Business & Professional Office	No	No	No	No	SP	Yes	Yes	Yes	Yes	Yes	Yes	R
4.5.10	<i>Reserve for future use</i>												
4.5.11	Auto Service Station	No	No	No	No	No	No	SP	No	No	No	No	R
4.5.12	Auto Body Shop	No	No	No	No	No	No	No	Yes	No	No	No	R
4.5.13	Retail/Wholesale New/Rebuilt Auto Parts	No	No	No	No	No	Yes	Yes	Yes	No	No	No	R
4.5.14	Vehicular Dealership	No	No	No	No	No	No	No	Yes	No	No	No	R
4.5.15	Parking Facility	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	R
4.5.16	Mixed Business & Residential	No	No	No	No	No	Yes	Yes	No	<u>No**</u>	<u>No**</u>	<u>No**</u>	R
4.5.17	Industrial Mixed Use	No	No	No	No	No	No	No	SP	<u>SPM</u>	<u>SPM</u>	<u>SPM</u>	NR
4.5.18	Take Out Retail	No	No	No	No	No	SP	SP	No	No	No	No	R

4.6 INDUSTRIAL USES

4.6.1 Warehouse	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	R
4.6.2 Storage Yard, Open-air Sales	No	No	No	No	No	No	No	Yes	No	No	No	R
4.6.3 Light Manufacturing	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	R
4.6.5 Health Care	No	No	No	No	No	SP	SP	SP	Yes	Yes	Yes	R

4.7 RESTRICTED & PROHIBITED USES

4.7.1 Prohibited Uses	No	No	No	No	No	No	No	No	No	No	No	NR
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* See Section 3 for provisions applicable to Table 1

NOTE: SPM = IMU Special Permit, under Section 15 of Zoning bylaw

** Mixed business w/ residential prohibited in industrial districts w/ exception of hotels allowed by Special Permit under Section 15, Industrial Mixed Use.

➤ *Amend Section 5 Accessory Uses in sub-section 5.15, Home Occupation, to read as follows in the first sentence:*

Current text:

5.1.5 Home Occupation

~~In the Residential Districts or for dwellings in the Limited Business District,~~ The practice or conduct of a profession or occupation in a dwelling or in an accessory building shall be permitted provided that the same is conducted by a resident of the dwelling, no employees or clients come to the premises, the home occupation is secondary to the use of the dwelling as the principal place of residence of the resident conducting the same and no external changes are made which alter the residential character of the premises. Home occupations with not more than one full-time employee, or his equivalent, (exclusive of other residents of the dwelling) and home occupations where clients come to the premises may be authorized by the Board by Special Permit.

Proposed text:

5.1.5 Home Occupation

In all Residential Districts, the Commercial District, or for dwellings in the Limited Business District, the practice or conduct of a profession or occupation in a dwelling or in an accessory building shall be permitted provided that the same is conducted by a resident of the dwelling, no employees or clients come to the premises, the home occupation is secondary to the use of the dwelling as the principal place of residence of the resident conducting the same and no external changes are made which alter the residential character of the premises. Home occupations with not more than one full-time employee, or his equivalent, (exclusive of other residents of the dwelling) and home occupations where clients come to the premises may be authorized by the Board by Special Permit. **Amends the existing provision to be clear about the districts in which homeowners may have a Home Occupation.**

➤ *Amend Section 6, Dimensional and Landscaping Regulations, in the following sub-sections:*

➤ *Amend Section 6 Dimensional and Landscaping Regulation, in sub-section 6.2.10 Height, by eliminating the current height limit measure in the Industrial B and C districts and replacing it with a revised height limit, as follows:*

In all Districts, except the Limited Business, Industrial B and C districts, ~~no building shall be altered or erected to exceed three (3) stories or thirty-seven (37) feet in height where the front yard minimum is thirty-five (35) feet, the height shall not exceed three (3) stories or thirty-seven (37) feet; and where the front yard minimum is ten (10) feet, the height shall not exceed two (2) stories or twenty-five (25) feet.~~ **In the Industrial B and C Districts, height shall not exceed 56 feet or four (4) stories. In the 2 IND districts where it is most feasible and logical, a modest height increase to 56' and 4 stories is proposed, as a way for businesses to expand and tax revenue to increase, while minimizing additional community impacts.**

➤ *Amend Section 6 Dimensional and Landscaping Regulations, by inserting a new sub-section, 6.7 Performance Standards, to read as follows:*

6.7 Industrial District Development: General Performance Standards

When property owners are proposing new development or redevelopment in Industrial B, Industrial A and Industrial C districts under a required site plan review, full special permit or, where applicable, in a minor special permit amendment, their site design shall comply to the greatest practical extent with the following standards: **This is a new section providing broad guidelines for IND development in general, to reflect today's development imperatives to add value to the property, as well as desirable features for employees, and as protective measures for the community.**

6.7.1 Landscape Buffer and screening

Provision of protective buffering elements at the outer perimeter of the site, where it abuts a Residential District, meeting or exceeding the criteria set forth in section 6.2.12 Minimum Lot Landscaping and Standards, and utilizing any combination of natural vegetative and topographic elements, man-made elements such as fencing and stone walls, and new tree or shrub plantings, to provide substantial, permanent protection to abutting residential areas.

6.7.2 Site Amenities

Provision where feasible of features and amenities to beautify and enliven the site for the enjoyment of employees, or in designated instances the public, in response to needs in the office/industrial real estate market; such features may include outdoor park and seating areas, active recreation improvements, and features of a similar nature.

6.7.3 Low Impact Development

Use of pervious paving and or other filtrating surfaces, rain gardens, bio-vegetated swales or other design features, as a secondary or primary means of managing surface stormwater and roof runoff.

6.7.4 Pedestrian and Bicycle-related Site Improvements

Provision of pedestrian paths, trails or walks to facilitate safe movement within the site, as well as connections to external sidewalks or public trails. Provision of bicycle racks, pavement route marking, signs or other improvements designed to encourage bicycle travel. To accommodate bicycle and/or pedestrian travel, may include a site plan change, a proportional monetary contribution or other project mitigation, to facilitate a multi-modal street improvement program on an adjacent way. See sub-section 7.4.4 Bicycle Parking Facilities for specific standards.

6.7.5 Transit and Transportation Features

Provision of shuttle bus pullovers or turnarounds at building entrances, where such transit is or might be available. Provision of preferred parking spaces for car and van pooling vehicles or fuel-efficient vehicles.

➤Amend Section 6, Table II as follows:

Amend Table II in the last three districts by renaming and reordering those rows as follows: Industrial A, Industrial B and Industrial C. **Current text was unclearly labeled and out of alphabetical order..**

Amend Table II in the ZONING DISTRICTS row, under the MAXIMUM HEIGHT IN FEET column heading, by changing that heading to MAXIMUM HEIGHT IN FEET/STORIES". **Adds stories to the column heading, in addition to maximum height.**

Amend Table II in the ZONING DISTRICTS row, under the MAXIMUM FLOOR AREA RATIO % OR DENSITY column heading, by eliminating the "%" sign in the column heading, and by adding a period before the floor area ratios falling thereunder, in all business, commercial and industrial districts. **FAR is customarily expressed as a ratio with decimal points, not as a percentage.**

Amend Table II in the MINIMUM LOT AREA column heading, by changing "MINIMUM LOT AREA IN SQ. FT." to read "MINIMUM LOT AREA". **Eliminates an inconsistency; some lot minima are in acres.**

Amend Table II in the INDUSTRIAL B row, under the MINIMUM SIDE YARD in Feet column heading, and under the MINIMUM REAR YARD column heading, by changing the "50/100" to "50/75" **A high one-size-fits-all setback or side yard is not always necessary, especially with Bedford's relatively small existing industrial parcels, if stringent protective screening is provided by means of the regulatory process (see 6.2.12 Minimum Lot Landscaping & Standards), in the form of landscaping, vegetation retention, topography, fencing, graded berms or application of other useful features.**

Amend Table II in the COMMERCIAL row, under the MAXIMUM LOT COVERAGE % column heading, by changing the percentage from "25"to "30". **Reflects what is built on the ground, no more, no less.**

Amend Table II in the INDUSTRIAL B row, under the proposed MAXIMUM HEIGHT IN FEET/STORIES column heading, by changing the "42" to "56'4." **A modest height increase will allow an extra story and additional floor area (thus allowing some economic expansion in a largely built-out town), without wholesale increases that would significantly increase traffic and other community impacts, such as in Burlington.**

Amend Table II in the INDUSTRIAL B row, under the MINIMUM LOT LANDSCAPING % column heading, by changing the "50" to "25". **A 50% landscaping requirement is unworkable in a suburban office/industrial environment, especially one with relatively small developed parcel sizes, and an impediment to redevelopment. Compliance almost never occurs.**

Amend Table II in the INDUSTRIAL B row, under the MAXIMUM FLOOR AREA RATIO OR DENSITY column heading, by changing the ".25" to ".40". **The FAR is low in IND B and the district has the most areas where there is considerable room to expand, particularly along northern Middlesex Turnpike. Some properties at Preston Ct. will become conforming with this change.**

Amend Table II in the INDUSTRIAL A row, under the MINIMUM LOT FRONTAGE IN FEET column heading, by changing the “50” to “150”. **A 50’ frontage requirement in a district with a 4 acre minimum lot size encourages inappropriate flag lots, and among the existing developed properties, the smallest existing frontage is 187’, while the median frontage is nearly 300’ and the largest frontage is 1340’; a 50’ frontage makes no sense.**

Amend Table II in the INDUSTRIAL A row, under the MINIMUM NOT WIDTH in Feet column heading, by changing the “50” to “100”.

Amend Table II in the INDUSTRIAL A row, under the MINIMUM SIDE YARD in Feet column heading, and under the MINIMUM REAR YARD column heading, by changing the “50/150” to “50/100” **A high one-size-fits-all setback or side yard is not always necessary, especially with Bedford’s relatively small existing industrial parcels, if stringent protective screening is provided by means of the regulatory process (see 6.2.12 Minimum Lot Landscaping & Standards), in the form of landscaping, vegetation retention, topography, fencing, graded berms or application of other useful features.**

Amend Table II in the INDUSTRIAL A row, under the MINIMUM LOT WIDTH IN FEET column heading, by changing the “50” to “100”. **A 50’ minimum lot width is too narrow and encourages irregularly shaped lotting; having an illogical “metric” is never desirable.**

Amend Table II in the INDUSTRIAL C row, under the MINIMUM SIDE YARD in Feet column heading, and under the MINIMUM REAR YARD column heading, by changing the “50/150” to “50/100” **A high one-size-fits-all setback or side yard is not always necessary, especially with Bedford’s relatively small existing industrial parcels, if stringent protective screening is provided by means of the regulatory process (see 6.2.12 Minimum Lot Landscaping & Standards), in the form of landscaping, vegetation retention, topography, fencing, graded berms or application of other useful features.**

Amend Table II in the INDUSTRIAL A row, under the MINIMUM LOT LANDSCAPING % column heading, by changing the “50” to “25”. **A 50% landscaping requirement is unworkable in a suburban office/industrial environment, especially one with relatively small developed parcel sizes, and an impediment to redevelopment. Compliance almost never occurs.**

Amend Table II in the INDUSTRIAL C row, under the MAXIMUM HEIGHT IN FEET column heading, by changing the “45” to “56’/4 stories, **A small height increase is feasible in IND C, Bedford’s largest concentration of industrial/office properties.**

Amend Table II in the INDUSTRIAL C row, under the MINIMUM LOT LANDSCAPING % column heading, by changing the “50” to “25”. **See preceding comments on this change.**

Amend Table II in the INDUSTRIAL C row, under the MAXIMUM FLOOR AREA RATIO OR DENSITY column heading, by changing the “.35” to “.40”. **The FAR in Bedford’s most prominent IND district (which includes Crosby Dir./Burlington Rd/lower Middlesex T’Pike) is too low; a small increase makes FAR closer to surrounding towns.**

Proposed Changes Depicted (from Art. 9 & 11)

Table II Dimensional Regulations

ZONING DISTRICTS		MINIMUM LOT AREA	MINIMUM LOT FRONTAGE IN FEET	FRONTAGE EXCEPTION IN FEET	MINIMUM LOT WIDTH IN FEET	MINIMUM FRONT YARD IN FEET	MINIMUM SIDE YARD IN FEET	MINIMUM REAR YARD IN FEET	CORNER CLEARANCE IN FEET	MAX HEIGHT IN FEET & STORIES	MAX LOT COVERAGE %	MINIMUM LOT Landscaping %	MAX Floor Area Ratio or Density
RESIDENCE R Standard Subdivision		60,000	200	160	160	35	15	30	15	37	—	—	—
RESIDENCE A	"	40,000	150	120	120	35	15	30	15	37	—	—	—
RESIDENCE B	"	30,000	125	100	100	35	15	30	15	37	—	—	—
RESIDENCE C	"	25,000	115	92	92	35	15	30	15	37	—	—	—
RESIDENCE D		10 acres	50	-	50	20	50	50	15	37	25	50	4 Dwellings Per/acre
RESIDENCE R Cluster Development		40,000	125	50	125	35	15	30	15	37	—	—	—
RESIDENCE A	"	30,000	100	50	100	35	15	30	15	37	—	—	—
RESIDENCE B	"	20,000	75	50	75	35	15	30	15	37	—	—	—
RESIDENCE C	"	15,000	75	50	75	35	15	30	15	37	—	—	—
LIMITED BUSINESS		10,000	60	—	50	35	10	10	15	37	35	25**	<u>.50</u>
LIMITED BUSINESS		10,000	60	—	50	10	10	10	15	25	35	25**	<u>.50</u>
GENERAL BUSINESS		80,000	—	—	—	10	10	10	15	37	35	25**	<u>.50</u>
COMMERCIAL		20,000	90	—	50	35	20/50*	20/50*	15	37	<u>30</u>	30**	<u>.30</u>
INDUSTRIAL A		4 acres	<u>150</u>	—	<u>100</u>	100	<u>50/100*</u>	<u>50/100*</u>	15	42	25	25**	<u>.25</u>
INDUSTRIAL B		<u>2 acres</u>	<u>125</u>	—	<u>75</u>	<u>60</u>	50/ <u>75</u> *	50/ <u>75</u> *	15	<u>56/4</u>	25	25**	<u>.40</u>
INDUSTRIAL C		<u>5 acres</u>	<u>150</u>	—	50	100	<u>50/100*</u>	<u>50/100*</u>	15	<u>56/4</u>	25	<u>25**</u>	<u>.40</u>

*Where the use abuts a residential district, the higher yard size applies.

**Where the use abuts a residential district, a landscape buffer shall be provided as specified in Section 6.2.12.

See Section 6 for provisions applicable to this Table II

➤ Amend Section 15.4 Industrial Mixed Use by inserting the following additional use classification:

Current Text indicated below, with new text in bold letters:

Information Technology, Life Sciences **and Materials Sciences & Engineering**

1. Information technology & data Storage
2. Software Development & Services
3. Bio-pharmaceuticals research, development and manufacturing
4. Industrial biotechnology or informatics
5. Biological testing laboratories, excluding bio-safety level four (BL-4) as per Centers for Disease Control
6. Earth sciences, environmental research, testing & development
7. **Material sciences and engineering. An addition to the 2014 updated uses under an IMU special permit.**

Recommendations:

Selectmen:

Finance Committee:

Planning Board:

Overview from Planning Board: Article 9 proposes an extensive series of amendments to five chapter sections of the Zoning Bylaw (ZBL) and to Table I (Uses) and Table II (Dimensional and Density) therein. Collectively, these changes bring the sections in the ZBL pertaining to development and redevelopment of property zoned for industrial, office, research and development and closely related business uses, as well as allowable mixed business and hotel uses, into a modern, 21st century context that more closely reflects today's markets and development modes. The existing zoning is 40 to 55 years old and out of date in various ways, which does little to encourage desirable economic development. The proposed changes achieve these objectives by amending various parts of the ZBL, as follows:

- o *Modifying various use classifications (definitions) in Section 4, inserting some new definitions, and omitting an obsolete one.*
- o *Modifying Table I (Uses) accordingly, changing or inserting various updated land uses, changing permitting status where needed and adding the category for special permit mixed use.*
- o *Incorporating the complementary business uses allowed in the industrial mixed use special permit option in Section 15.*
- o *Making technical corrections to the Table to fix incorrect district designations, column headings and similar items.*
- o *Adding general industrial development performance standards to reflect modern standards and amenities that benefit the community and the employees.*

- o *Making extensive changes to Table II (Dimensions and Density) to bring Bedford's outdated development intensity patterns into alignment with modern, regional industrial development, in locations where doing so makes sense. This includes:*

- Selected, limited increases in allowable floor area, where there is an under-developed land use pattern.*
- Selected, limited increases in maximum building height, where there is an under-developed land use pattern.*
- Adjustments to various dimensional requirements in various industrial districts where the standard is unrealistic, unnecessary or excessive.*

Article 10

Amendments to Bedford Zoning Map

To determine if the Town will vote to amend *the Bedford Zoning Map* to incorporate the following changes to several districts in the Bedford Zoning Map, or pass any vote or take any action relative thereto:

- A. General Business property described as a group of contiguous parcels of approximately 79 acres, identified in Bedford Assessor records as Parcel numbers 012-0017-1-4 generally identified as 174 to 176 Middlesex Turnpike, and Middlesex County Registry of Deeds as Book 1428 Page 132, with approximate frontage of 832 feet on Middlesex Turnpike, with approximate dimensions of 1,824 feet (northerly bound), 438 feet (rear bound), 2,197 feet (southerly bound), 1,000 feet (westerly bound), and 400 feet (east west bound), in addition to which there is an appurtenant parcel to the immediate northeast of the subject property with a depth of approximately 555 feet with frontage on Middlesex Turnpike, would be changed on the Zoning Map to Industrial B.
- B. Industrial Park A (now changed to Industrial A) property that is adjacent to the General Business property preceding above, a parcel of approximately 8.3 acres, identified in Bedford Assessor records as Parcel numbers 005-0008 at 160 Middlesex Turnpike, and Middlesex County Registry of Deeds as Book 59604 Page 48, with approximate frontage of 764 feet on Middlesex Turnpike and approximate dimensions 543 feet (northerly bound), 490 feet (northeast bound), 1,041 feet (southerly bound) would be changed on the Zoning Map to Industrial B.
- C. Industrial Park A (now changed to Industrial A) property described as a parcel of approximately 8.4 acres, identified in Bedford Assessor records as Parcel number 013-0002 at 175 Middlesex Turnpike, and Middlesex County Registry of Deeds as Book 1145 Page 053, with approximate frontage of 422 feet on Middlesex Turnpike and with approximate dimensions of 1,100 feet by 422 feet would be changed on the Zoning Map to Industrial B.

Recommendations:

Selectmen:

Finance Committee:

Planning Board:

Overview from the Planning Board: Article 10 proposes rezoning three parcels along the northern segment of Middlesex Turnpike from Industrial (Park) A and General Business to a modified Industrial B. The IND B designation is being changed in another proposed article to allow more logical density, dimensional and height requirements, in most cases liberalizing them to a reasonable extent.

This geographic location is significantly under-developed by current standards, so there is sufficient land area in which to develop or expand businesses. The area is also served by gradually upgrading

infrastructure, in the form of the ongoing Middlesex Turnpike improvement project. The three parcels are generally referred to as Bedford Woods Office Park, the F.W. Webb property, and the Continental Leasing property. The rezonings will create an extensive massing of the newly-updated Industrial B zoning in the part of town where there is room for businesses to grow and sufficient infrastructure to support that development. Mixed use industrial projects would still be allowed by the 2014 Industrial Mixed Use special permit process.

Article 11
Zoning Bylaw Amendments to Adjust Dimensional and Density Requirements within
Industrial and Certain Business Districts to More Closely Align with the Existing
Development Pattern

To determine if the Town will vote to amend the Bedford Zoning Bylaws to incorporate changes that make the zoning closer to the underlying built environment, in instances where there is major misalignment between them, by amending parts of Table II therein, or pass any vote or take any action relative thereto:

Amend Table II in the COMMERCIAL row, under the MAXIMUM FLOOR AREA RATIO % OR DENSITY column heading, by inserting an FAR (Floor-to-Area-Ratio) of .30 where none now exists. **This floor-area-ratio captures the upper limit of what is actually built in this district, thus protecting the neighborhood without making existing properties non-conforming.**

Amend Table II in the INDUSTRIAL A row, under the MINIMUM LOT WIDTH IN FEET column heading, by changing the “50” to “100”. **50’ width encourages irregularly-shaped and “flag” lots.**

Amend Table II in the INDUSTRIAL B row, under the MINIMUM LOT AREA IN SQ. FT. column heading, by changing the “60,000” to “2 ac.” **In the entire IND B district the existing lot sizes range from 2.0 to 13.8 acres, and none are close to 1.37ac. (60,000 SF), the present minimum. A 60K lot size encourages dividing-off land to promote more fragmented, less attractive development(e.g. a restaurant sitting on its own 60K lot close to the street), instead of the campus-style, industrial mixed use model, where uses are more physically integrated.**

Amend Table II in the INDUSTRIAL B row, under the MINIMUM LOT FRONTAGE IN FEET column heading, by changing the “90” to “125”. **The median frontage in the district is 352’ and the largest is 822’, although 2 properties have a frontage of under 100’. However, if the minimum lot size is increasing by means of the current amendments in IND B (to a still-modest 2 acres), the existing minimum frontage of 90’ is too small and could promote irregularly shaped lots. With the proposed rezonings to create a large swath of IND B land along the northern part of Middlesex T’Pike, this would not be a desirable pattern of land development.**

Amend Table II in the INDUSTRIAL B row, under the MINIMUM FRONT YARD IN FEET column heading, by changing the “35” to “60”. **Among existing front setbacks in IND B, none are smaller than 80’, while the district median is 123’ and the high is 187’. The present required setback in IND C (a district not that different from IND B) is already 100’. So an adjustment from the excessively low 35’ to 60’ is reasonable.**

Amend Table II in the INDUSTRIAL B row, under the MINIMUM LOT WIDTH IN FEET column heading, by changing the “50” to “75”. **With a new 2 ac. min. lot size and a new min. frontage of 125’, the increase from 50’ to 75’ minimum width simply makes sense, to avoid irregularly-shaped or overly narrow lots.**

Amend Table II in the INDUSTRIAL C row, under the MINIMUM LOT AREA IN SQ. FT. column heading, by changing the “4 acres” to “5”. **In IND C, there is one property of 2.3 ac. (already**

non-conforming as to lot size), but with all other properties in 'C' the median property is 7.4 ac. and the high is 69.2 ac. In IND C, the intent is to encourage large parcels, not smaller fragmented ones.

Amend Table II in the INDUSTRIAL C row, under the MINIMUM LOT FRONTAGE IN FEET column heading, by changing the "50" to "150". The present minimum frontage requirement is already too low at the present 4 ac. min. lot size; at the proposed 5 ac. it is seriously low, and would just encourage flag lots with extremely small frontage. Existing frontages in IND C range from 211' to 1401' with a median of 410'.

Recommendation:

Selectmen:

Finance Committee:

Planning Board:

The adjustments in Article 11 are necessary because they will help to:

- Lessen the dividing-off of small parcels for free-standing businesses such as a branch bank or chain restaurant, which are encouraged in Bedford to locate in integrated Industrial Mixed Use developments, rather than in strip commercial patterns.
- Preserve the green corridors in many of our industrial locations, in which landscaping and natural vegetation in the front yards create an attractive amenity that contributes to community character and adds to the value of the properties.
- Correct certain dimensional inconsistencies that make little sense.

Overview from Planning Board: Article 11 proposes a series of changes to Table II (Dimensional and Density), to adjust existing zoning requirements where they might be illogical or contradictory. For example a district with a larger minimum lot area now requires a much smaller street frontage than a district with a smaller minimum lot size. The change would also align the zoning standards for setback, frontage, minimum lot area or another parameter is where they do not conform to what is built on the ground. Examples: the IND C district has a frontage requirement of 50', when the median developed frontage is 410' and the smallest developed frontage is 63' and the required minimum lot area in IND B is 60,000 square feet, when the median developed lot area is 4.7 acres and the smallest developed lot area is 2.1 acres. These discrepancies emerged in land use studies that the Planning staff conducted during the summers of 2014 and 2015. These changes can be effected largely without creating new zoning non-conformities, except in an isolated instance or two, in which case the property would enjoy full grandfathering protection for the existing dimensions.